

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SANDRA NEAL, on behalf of her minor child  
R.B.,

Plaintiff,

v.

CHRISTINE O. GREGOIRE, Governor of the  
State of Washington; DR. TERRY  
BERGESON, Superintendent of Public  
Instructions; JAMES F. SHOEMAKE,  
Superintendent Tacoma School District #10,

Defendants.

Case No. C06-5138 RJB

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR VOLUNTARY  
DISMISSAL OF ACTION**

This matter comes before the Court regarding Plaintiff Sandra Neal's Motion for Voluntary Dismissal of Action Without Prejudice. Dkt. 15. The Court has considered the pleadings filed in this matter and the record herein.

**FACTUAL AND PROCEDURAL HISTORY**

This dispute arose from the State of Washington's requirement that high school students pass the Washington Assessment of Student Learning (WASL) exam prior to graduation. On March 15, 2006, Plaintiff Neal filed a Complaint in federal court, alleging that the WASL exam unfairly discriminates against low income and minority students, and is therefore unconstitutional pursuant to Title VI of the 1964 Civil Rights Act as amended, as well as other sections of the United States Constitution. Dkt. 1(1) at 2-8. Plaintiff requested (1) a declaratory judgement that Defendants have

1 violated Title VI of the 1964 Civil Rights Act and/or other rights guaranteed by the United States  
2 Constitution, (2) an injunction preventing Defendants from further administering the WASL, (3) an  
3 order requiring Defendants to provide "necessary funding and effective curriculum" in order to train  
4 Plaintiff's son to take the WASL exam, and (4) damages in the amount of \$250,000.00 for further  
5 remedial training and emotional distress. *Id.* at 7-8. On April 5, 2006, Defendants Gregoire and  
6 Bergeson filed an Answer, denying all allegations. Dkt. 8. On April 28, 2006, Defendant Shoemake  
7 filed an Answer, denying all allegations. Dkt. 14.

8 Plaintiff Neal filed this action as a *pro se* litigant on behalf of her minor child without retaining  
9 a lawyer. Moreover, Plaintiff Neal's minor child does not have a *Guardian ad Litem* in this matter.  
10 As explained in the Court's recent Order (Dkt. 12), both of these conditions must be remedied before  
11 this action can proceed. If Plaintiff Neal also intends to sue on her own behalf, that is not made clear  
12 in her pleadings.

13 On May 17, 2006, Plaintiff Neal filed a motion requesting dismissal of this action without  
14 prejudice pursuant to Fed. R. Civ. P. 41(a)(2). Dkt. 15. To date, Defendants have filed Answers to  
15 Plaintiff's Complaint, but have not asserted any counterclaims. Dkts. 8 & 14. A review of the file by  
16 the Court indicates that dismissal of this action, pursuant to Fed. R. Civ. P. 41(a)(2), is appropriate at  
17 this time.

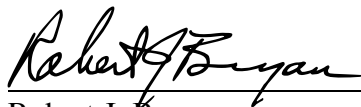
### 18 ORDER

19 Therefore, it is hereby

20 **ORDERED** that Plaintiff Sandra Neal's Motion for Voluntary Dismissal of Action Without  
21 Prejudice (Dkt. 15) is **GRANTED**, and this case is hereby **DISMISSED** without prejudice.

22 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of  
23 record and to any party appearing pro se at said party's last known address.

24 DATED this 23<sup>rd</sup> day of May, 2006.

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27 Robert J. Bryan  
28 United States District Judge

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